



LARRY NORRIS
Director

MAX MOBLEY, Ph.D.
Deputy Director

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ARKANSAS
DEPARTMENT OF CORRECTION
School District
P. O. Box 8707 - PINE BLUFF, ARKANSAS 71611
PHONE: (870) 267-6725, FAX: (870) 267-6731
CHARLES F. ALLEN, Ph.D., Superintendent

EDDIE RINCHUSO
Deputy Superintendent

WILLIAM "DUBS" BYERS
Deputy Superintendent

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February 28, 2001

Federal Communications Commission
Office of the Secretary
445 12th Street, SW Room TW-A325
Washington, DC 20554

Applicant Name: Arkansas Department of Correction School District
Form 471 Application #: 177074
Billed Entity #: 153912

Funding Request Number(s): 364661, 366086, 366212, 366270, 366298, 366342,
366384, 366411, 366448, 366485, 366700, 366726,
366747, 366764, 366801, 366822, 366846, 366867,
366892, & 366909

Reference: CC Docket Nos. 96-45 and 97-21

This is a letter of formal appeal regarding the Administrator's decision on our appeal for funding year 2000-2001. The February 5, 2001 letter of denial from Universal Service Administrative Company indicated that our Form 471 application included costs for an ineligible entity, specifically juvenile justice facilities. We are, however, requesting funding for the Department of Correction School District rather than a juvenile justice facility. According to CFR Chapter 1 Section 54.501 and the Schools and Libraries Program description, schools meeting the statutory definitions of elementary school as defined in 20 U.S.C. §8801 (14) and secondary school as defined in 20 U.S.C. §8801 (25) are eligible for funding. In 20 U.S.C. §8801 (14), the term "elementary school" means a non-profit institutional day or residential school, including a public elementary charter school that provides elementary education, as determined under stated law. Under 20 U.S.C. §8801 (25), "secondary school" means a non-profit institutional day, or residential school, including a public secondary charter school, that provides secondary education, as determined under state law, except that such term does not include any education beyond grade 12. Both definitions are dependent on state law. The Arkansas Department of Correction School District was created for the purpose of providing

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elementary and secondary education to persons incarcerated in the Department of Correction. See Ark. Code Ann. §12-29-301.

Although the Department of Correction School District conducts classes inside facilities operated by the Arkansas Department of Correction, the School District is a public school district. See *Allred v. Arkansas Department of Correction School District*, 322 Ark. 772, 912 S.W.2d 4, (1995). Again, although the Arkansas Department of Correction conducts its classes inside facilities operated by the Department of Correction, the requested funding is for the School District rather than the Department of Correction or specific juvenile justice facilities. For example, the Internet access is for the various principals' offices in order to allow access for teachers to prepare for classroom presentation. A principal and certified classroom teachers are located at various correctional facilities throughout the state.

The attorney generals office of the state of Arkansas has reviewed all aspects of this funding denial. They believe as we do, that we should appeal this latest funding denial.

Please review all of the enclosed documents. They state unequivocally that the Department of Correction School District is a public school district created by state law. After reviewing these documents, we feel assured that you will understand our unique situation. We are a public school district that provides an education to any student that does not have a high school diploma or GED. Our classes are held within a correctional facility but in no way does this change the fact that we are a public school district similar to other districts in the United States.

After reviewing this appeal, if you have any questions, please contact:

Mr. Dubs Byers
Deputy Superintendent
Department of Correction School District
8000 Correction Circle
Pine Bluff, AR 71603

Phone: (870) 267-6725
Email: byersd@adcsd.asrsc.k12.ar.us

Thank you,



Diane Kelnhofer



LARRY NORRIS
Director

MAX MOBLEY, Ph.D.
Deputy Director

ARKANSAS DEPARTMENT OF CORRECTION

School District

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EDDIE RINCHUSO
Deputy Superintendent

WILLIAM "DUBS" BYERS
Deputy Superintendent

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April 26, 2000

Universal Service Administrative Co.
Box 125—Correspondence Unit
80 South Jefferson Rd.
Whippany, NJ 07981

Applicant name Ar Department of Correction School District
Form 471 Application # 177074
Billed Entity # 153912

This is a letter of formal appeal regarding the funding commitment decision as referenced in —

The Funding Commitment Decision Letter
"Funding Year 3: 07/01/2000—06/30/2001"

The Funding Request Numbers we are appealing are:

Funding request number	364661	Funding request number	366086
Funding request number	366212	Funding request number	366270
Funding request number	366298	Funding request number	366342
Funding request number	366384	Funding request number	366411
Funding request number	366448	Funding request number	366485
Funding request number	366700	Funding request number	366726
Funding request number	366747	Funding request number	366764
Funding request number	366801	Funding request number	366822
Funding request number	366846	Funding request number	366867
Funding request number	366892	Funding request number	366909

The Funding Commitment Decision on each of these FRN numbers states:
\$0.00—Ineligible entity receiving service

The Funding Commitment Decision Explanation for each of these FRN numbers states:
A significant portion of the FRN is a request for an ineligible entity which is not eligible to receive funding based on the program rules for eligible entities.

It is my understanding for a school to be eligible for E-rate it must meet the statutory definition of an elementary or secondary school found in the Elementary and Secondary Education Act of 1965. In addition, eligible schools may not have endowments exceeding more than \$ 50 million.

Our school meets both of these requirements. Enclosed please find a copy of the Arkansas Code 12-29-301 that shows our school district being created. Also, a letter from Mr. Bob Maddox from the Arkansas Department of Education that states we are an accredited public school. For further reference please note the Arkansas Supreme Court ruled 12/18/95 in Allred vs. Ar Department of Correction School District, 321 Ark. 722 (1995) 912 S. W. 2d 4, that there was only one kind of school district in the state of Arkansas and the Department of Correction School District is in this category. The Arkansas Supreme Court holds that the Department of Correction School District is a public school district as a matter of law.

After reviewing this appeal, if you have any questions, please contact:

Mr. Dubs Byers
Deputy Superintendent
Department of Correction School District
8000 Correction Circle
Pine Bluff, AR 71603

Phone: (870) 267-6725
Email: bversd@adcsd.arasc.k12.ar.us

Thank you,



Diane Kelnhofer
Technology Coordinator

§ 12-29-301. School district created.

- (a) Properties owned by the State of Arkansas and occupied by the various units of the Department of Correction are by this subchapter designated as a school district to be known as the Department of Correction School District.
- (b) This district is created for the purpose of providing **elementary**, secondary, and vocational and **technical education** to all persons incarcerated in the Department of Correction facilities who are not high school graduates, irrespective of age.
- (c) The Board of Correction and Community Punishment shall act as the school board for the school district.

History. Acts 1973, No. 279, §§ 1, 2; A.S.A. 1947, §§ 46-1301, 46-1302.



Arkansas

DEPARTMENT OF EDUCATION

4 STATE CAPITOL MALL • LITTLE ROCK, ARKANSAS 72201-1071 • (501) 682-4475
RAYMOND SIMON, Director

To whom it may concern:

The Arkansas Department of Corrections School System has met the requirements for Accreditation of the Standards for Accreditation of Arkansas Public Schools for the 1998-1999 school year.

Sincerely,

A handwritten signature in cursive script, appearing to read "Bob Maddox".

Bob Maddox, Coordinator
Standards Assurance

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SCHOOL DISTRICT

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